

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 336

H.P. 261

House of Representatives, January 24, 2019

**An Act To Require That Notice of Lead Abatement Orders Be Filed
with the Registry of Deeds**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CLOUTIER of Lewiston.
Cosponsored by Senator CLAXTON of Androscoggin and
Representatives: ACKLEY of Monmouth, BROOKS of Lewiston, DRINKWATER of Milford,
EVANGELOS of Friendship, FOLEY of Biddeford, HANDY of Lewiston, RISEMAN of
Harrison, SYLVESTER of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1321, sub-§3**, as amended by PL 1999, c. 790, Pt. A, §23, is
3 further amended to read:

4 **3. Notice to owner; removal.** The department shall give notice of the existence of
5 the environmental lead hazard to the owner and order that the lead-based substances be
6 removed, replaced or securely and permanently covered within 30 days of receipt of the
7 notice. If the lead-based substances can not be removed, replaced or securely and
8 permanently covered within 30 days, the department may grant an extension of
9 reasonable time. All lead-based paint activities must be performed in accordance with
10 rules adopted by the Department of Environmental Protection pursuant to Title 38,
11 chapter 12-B. In the case of an owner-occupied, single-family residence, the department
12 may provide technical assistance and guidance in lieu of enforcement activity at the
13 department's discretion; ~~and~~

14 **Sec. 2. 22 MRSA §1321, sub-§4**, as amended by PL 2005, c. 530, §4, is further
15 amended to read:

16 **4. Sale of dwelling, residential facility, child-occupied facility or nursery school.**
17 If, before the end of the 30-day period or extension, the owner sells the dwelling,
18 premises, child care facility, premises of the family child care provider, residential child-
19 occupied facility or nursery school, the owner shall notify the prospective buyer of the
20 environmental lead hazard and the new owner must assume the responsibility of carrying
21 out the requirements of this section within the specified time period; and

22 **Sec. 3. 22 MRSA §1321, sub-§7** is enacted to read:

23 **7. Notice filed in registry of deeds.** The department shall file a notice of the
24 existence of the environmental lead hazard for that property in the registry of deeds in the
25 county in which the property is located listing the record owner or owners of the property
26 and the book and page in the registry of the owner's deed. When the department
27 determines that the environmental lead hazard no longer exists, the department shall file a
28 notice in the registry of deeds in the county in which the property is located stating that
29 the environmental lead hazard no longer exists and listing the record owner or owners of
30 the property and the book and page of the original notice of the existence of the
31 environmental lead hazard.

32 **SUMMARY**

33 This bill requires the Department of Health and Human Services to file a notice of the
34 existence of an environmental lead hazard in the registry of deeds in the county in which
35 the relevant property is located. It also requires the department to file a notice in the
36 registry of deeds when the department determines that the environmental lead hazard no
37 longer exists.